

EXHIBIT

15

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

-----:
ULTIMA SERVICES CORPORATION, :
:
Plaintiff, :
:
vs. : Case No.:
: 2:20-cv-00041-
U.S. DEPARTMENT OF AGRICULTURE, : DCLC-CRW
et al., :
:
Defendants. :
-----:

REMOTE DEPOSITION OF DANIEL CHOW

DATE: March 10, 2022
TIME: 10:06 a.m.
LOCATION: Rockville, Maryland
REPORTED BY: Shari R. Broussard, RPR, CSR
Reporter, Notary

Veritext Legal Solutions
1250 Eye Street, NW, Suite 350
Washington, D.C. 20005

APPEARANCES

On behalf of Plaintiff:
MICHAEL E. ROSMAN, ESQUIRE
MICHELLE A. SCOTT, ESQUIRE
Center for Individual Rights
1100 Connecticut Avenue, Northwest
Suite 625
Washington, D.C. 20036
(202) 833-8400
rosman@cir-usa.gov

On behalf of Defendants:

CHRISTINE DINAN, ESQUIRE
JULIET GRAY, ESQUIRE
ANDREW BRANIFF, ESQUIRE
Department of Justice
Civil Rights Division
Employment Litigation Section
150 M Street, Northeast
Washington, D.C. 20530
christine.dinan@usdoj.gov
juliet.gray@usdoj.gov
andrew.braniff@usdoj.gov

ALSO PRESENT:

Josephine Arnold, Esquire, MBDA

PROCEEDINGS

WHEREUPON,

DANIEL CHOW

called as a witness, and having been sworn by the notary public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFF

BY MR. ROSMAN:

Q Good morning, Mr. Chow. My name is Michael Rosman. I represent the plaintiff in the lawsuit which you're about to give a deposition.

Have you ever been deposed before?

A None before this one.

Q Okay. Why don't you just state your name and address for the record, please.

A My name is Daniel Chow, C-H-O-W. My address is 11910 Kings Bridge Way, Rockville, Maryland 20852.

Q Great. Thank you.

So let me just explain. This is a proceeding before trial in a lawsuit. You've been sworn to tell the truth. I'm going to ask a

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Counsel for Defendant	109

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(* Exhibits attached to transcript.)

1 series of questions which you should answer to the
2 best of your knowledge and ability. If you don't
3 understand a question, if I've said something
4 confusing, you can ask for some clarification and
5 I might rephrase it. If you need a break at some
6 point, you can ask me for that and we'll try to
7 arrange one as quickly as we can.

Do you have any questions about that?

A None. Thank you.

(Chow Exhibit Number 1 was marked for identification.)

BY MR. ROSMAN:

Q Okay. I've marked as Plaintiff's Exhibit 1 your CV or what was given to us as your CV.

Could you just confirm that that is in fact your CV?

A Yes, this is my CV.

Q Okay. I just have a few questions about it. I noticed in the first position at the U.S. Bureau of Labor Statistics it says that you authored professional journal articles and I was

<p style="text-align: right;">Page 110</p> <p>1 what extent our minority- and small-disadvantaged</p> <p>2 firms are able to win or not win contracts.</p> <p>3 Q And what did you find?</p> <p>4 A We found that -- I found that SDBs that</p> <p>5 are not in the 8(a) program are 30- -- about 37</p> <p>6 percent less likely to win a contract compared to</p> <p>7 firms in the 8(a) program, which are like twice as</p> <p>8 likely to win a contract, and that there are other</p> <p>9 characteristics of firms that seem to indicate</p> <p>10 that there are differences in odds ratio for</p> <p>11 winning contracts.</p> <p>12 Q In your study you control for a number</p> <p>13 of factors in your regression analysis to</p> <p>14 determine whether any of those factors could</p> <p>15 impact the odds of a firm winning a contract.</p> <p>16 Did you control for every factor that</p> <p>17 the data allowed you to control for?</p> <p>18 A I controlled for as many factors as I</p> <p>19 could within the design of the -- of the -- of the</p> <p>20 study, yes.</p> <p>21 Q In your opinion, would the results from</p> <p>22 your study be consistent with the presence of</p>	<p style="text-align: right;">Page 112</p> <p>1 of these firms, so yes, they -- they are included</p> <p>2 in the study.</p> <p>3 Q To your knowledge, were any individual</p> <p>4 firms removed from the datasets that you were</p> <p>5 given by SBA either by you or by SBA because of</p> <p>6 their success in bidding in the federal</p> <p>7 marketplace?</p> <p>8 A No.</p> <p>9 Q Are you aware of any economic study or</p> <p>10 data that would indicate that registered</p> <p>11 minority-owned firms bid less often on contracts</p> <p>12 than registered non-minority firms --</p> <p>13 A I'm not aware of any.</p> <p>14 Q -- non-minority-owned firms?</p> <p>15 A I'm not aware of any.</p> <p>16 Q Let me look at my notes. Just a moment.</p> <p>17 Just back to what you were saying a</p> <p>18 moment ago about the findings, when you indicated</p> <p>19 that certain firms -- there were 37 percent less</p> <p>20 likely -- had 37 percent less likely odds of</p> <p>21 winning a contract as compared to other firms,</p> <p>22 that was all firms with similar characteristics,</p>
<p style="text-align: right;">Page 111</p> <p>1 discrimination?</p> <p>2 A Yes, in my expert opinion it is</p> <p>3 consistent, yes.</p> <p>4 Q And why is that?</p> <p>5 A Well, again, we're looking at minority</p> <p>6 firms and I looked at all of the variables that</p> <p>7 are relevant in terms of, you know, determining</p> <p>8 the differential impact on the odds of winning.</p> <p>9 We're looking at minority firms and I can't</p> <p>10 think of -- I can't think of any nondiscriminatory</p> <p>11 factors. And we know that discrimination exists</p> <p>12 in various workplaces and marketplaces, so looking</p> <p>13 at the fact that if an SDB is not in the 8(a)</p> <p>14 program versus a firm that is in the 8(a) program,</p> <p>15 we see a statistically significant difference</p> <p>16 between those two. So I -- I tend to look at that</p> <p>17 as being consistent with some form of</p> <p>18 discrimination.</p> <p>19 Q And that was after controlling for</p> <p>20 certain nondiscriminatory factors like age and</p> <p>21 gross receipts and things like that, correct?</p> <p>22 A Correct, those -- those factors are part</p>	<p style="text-align: right;">Page 113</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q And that was not just in comparison to</p> <p>4 firms in the 8(a) program; is that right?</p> <p>5 A Correct.</p> <p>6 MS. DINAN: I believe that is all that I</p> <p>7 have. Let me just double check.</p> <p>8 No, I have no further questions thank</p> <p>9 you.</p> <p>10 MR. ROSMAN: Just two quick follow-up</p> <p>11 questions.</p> <p>12 FURTHER EXAMINATION BY COUNSEL FOR</p> <p>13 PLAINTIFF</p> <p>14 BY MR. ROSMAN:</p> <p>15 Q You testified a moment ago that you</p> <p>16 thought the results were consistent with</p> <p>17 discrimination.</p> <p>18 Does this mean that discrimination</p> <p>19 cannot be eliminated as a possible cause for the</p> <p>20 discrepancies that you found?</p> <p>21 A I would -- cannot be eliminated as -- I</p> <p>22 would say so, yes.</p>